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JOHN BROWN,

AS VIEWED BY

H. CLAY PATE.

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chalice to our own lips."—SHAKESPEARE.

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NEW YORK :  
Published by the Author :  
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I.

## JOHN BROWN AND COMPANY.

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"Every slaveholder has forfeited his right to live."—WILLIAM LLOYD GARRISON.

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### THE SENIOR PARTNER.

The members of this firm are "too numerous to mention" in detail, but a few may be named. Amos Lawrence and Henry Wilson, of Boston, William H. Seward and Horace Greeley, of New York, Salmon P. Chase and Joshua R. Giddings, of Ohio, not forgetting Fred Douglas, of Canada, and James Redpath, the cosmopolite. Algebraically speaking, these can be regarded as the exponents of those powers, which taken together make up the powerful concern of John Brown and Company.

This article is to be devoted to the merits and demerits of the Senior partner, who is grown gray in the service of the concern, as in "sin and iniquity." Previous to the Kansas troubles, John Brown was unknown as a hero and martyr, although he was not unknown to a peculiar fame. Before that he was John Brown no less than he is now, but he had never had a chance previous thereto, to carry on his trade with a "licence of free foot," such as that distracted land furnished him withal.

James Redpath, the "devoted friend" of the subject under consideration; tells us that "for thirty years, Brown secretly cherished the idea of being the leader of a servile insurrection; the American Moses, predestined by Omnipotence to lead the servile nations in our Southern States to freedom."

He told the writer of this, that he had been all over the South, had many *warm* friends there and was fully posted as to the condition and disposition of the people. It is most probable, however, that he was known on his southern tour as Bill Smith, Sam Jones, Simon Suggs, or anything else rather than John Brown. He has always outlawed him-

self and traveled under an *alias*. In this he has not been as open and honest as "Jeremiah Anderson," one of his distinguished Lieutenants who bit the dust at Harper's Ferry, or it may be the water, which was all the same in effect. It is then in Kansas, where the career of our hero was begun in open earnest. How did it begin? with murder, cold-blooded, fiendish, midnight, home-destroying, heart-breaking, widow-making murder. For what reason? you will ask. Because the victims were slaveholders. With what justification? That "every slaveholder has forfeited his right to live."

It is asserted that the war was begun on Brown first, by killing one of his sons at Easton. That is not so, as we are no doubt correctly informed. If the man killed there was named Brown, he was no kin to John, as we have every reason to believe; at least, we hear of it for the first time now. It certainly never was talked of heretofore.

Brown has recited his grievances in my presence, but never mentioned this one. It is doubtless as new to him as to those best acquainted with Kansas affairs. The "American Moses" commenced his predestined leadership by murdering John Doyle and his two sons, Allen Wilkinson and Wm. Sherman. They lived on Pottawatomie Creek, and had no fault as quiet citizens, but being in favor of slavery. That was their crime, for which they forfeited their lives. One night, in May, 1856, John Brown, accompanied by his sons and one or two others, repaired to the houses of these inoffensive people, tore them from their homes, and butchered them. Wilkinson and wife were alone, and she was sick. They would not listen to her piteous cries, but dragged forth her husband and killed him on the prairie, while she could hear his dying groans without being able to go to his assistance. I know these things, having seen the testimony of the Doyles that survived, and others. They all agreed that it was Brown, "a tall quick-spoken man, with grey hair, who said he belonged to the army of the North." The "Provisional Government of the United States" was not then established—he was only an officer in the "army of the North."

#### OLD BROWN A HERO.

Some newspapers would make Brown a real hero and a prodigy of personal courage. This would be so, provided all that is said of him were true, which it is not by a long shot. At the Battle of Black Jack, with numbers at his command, equal to four times that of his opponents, he resorted to the trick of taking prisoners

under a flag of truce, and exposing their lives to save his, instead of fighting for a victory that might have made him a hero in truth. With the same object, he first took prisoners to shield him at Harper's Ferry.

At the battle of Ossawatamie, according to the testimony of Mr. S. L. Riddle, of Raleigh, N. C., "he took a horse and fled precipitately, leaving his misguided followers to take care of themselves as best they could." As regards this battle, he has tried to magnify himself into a hero by saying he killed 60 or 70 pro-slavery men, and lost none of his—whereas, not one of the former was killed, while twenty-five or thirty of the latter fell. So says Mr. Riddle, and so I have heard numbers say, including Gen. Reid himself, who commanded the conquering troops. At this battle his oldest son was killed; his house had been burned; but it was not until *after the Pottawatomie Creek murders*. After the peace in Kansas, in September, 1856, made by Gov. Geary, Brown and his army of the North took to horse stealing and negro thieving. He was afraid of being arrested, and at last fled with his plunder to, and remained some time, in Canada. He afterwards returned and ran off a lot of negroes to Canada, and the Governor of Missouri offered a large reward for his apprehension. This is what he meant at Harper's Ferry by saying \$3,500 was on his head. The *Cleveland Democrat* says:

"A bolder or a worse man than that same Ossawatamie Brown the world never knew. His single virtue, 'linked with a thousand crimes,' was bull-dog courage. Fanatic to the highest degree—a pupil in politics of the Giddings school—he has been taught to believe that the killing of a slaveholder was an act which God approves. When in this city last spring, in his lectures, he told of his stealing negroes and running them off to Canada—of his stealing horses, which he then had with him for sale—of his shooting down slaveholders, and of other acts equally atrocious. 'And now,' said Brown, 'I wish to know if the people of Cleveland approve of what I have done. Those who approve of my acts will say 'aye,' and more than one-half of his audience, composed of abolitionists, shouted 'aye,' whilst not a single 'nay' was uttered by any one present."

This picture of Brown is very correct. I am sorry that Old Brown succeeded in pulling the wool over Gov. Wise's eyes. The Governor, in his speech on returning to Richmond, spoke of his courage, his humanity, truthfulness, simple ingenuousness. (Gov. W. is so honest himself that he would even give Old Brown credit for honesty.)

General Washington was a brave man, and so is Brown. But there is difference in their courage. Brown has the "courage" to do wrong,

to deceive, to steal, to murder; Gen. Washington did not have the courage to do these things. He had the courage to do right; Brown has not the courage to do right—"His single virtue, linked with a thousand crimes, is bull-dog courage"—courage after sinning and being caught, to face an unavoidable death for the sin. But he *took care to hold hostages for self-protection; in fact, he was never yet known to fight fairly.*

On this point Mr. Riddle says: "Killing armed, determined and resolute men, was certainly not the occupation of Ossawatimie Brown and his marauders, but their vocation in Kansas was making attacks on defenceless men who were quiet and good citizens, and taking them from their families, murdering them, insulting women and burning houses. Such was the course of this very 'brave' man Brown, in Kansas."

Brown was humane to his prisoners, because it was policy. Had he been otherwise, no power could have protected his life when captured, and he knew it. Who believes there is a spark of true humanity in the midnight murderer?

Where is the truthfulness and disingenuousness of the man who would make himself a hero, by lying and stealing, who traveled over the country under assumed names, who transacted rascality under the style and firm of J. Smith & Sons, whose life "for thirty years," it is admitted, has been a "secret" fraud, and whose philanthropy is shown to have been a speculation in cotton—in the labor of the very beings he pretends to love so well? Col. Forbes says: "John Brown, had he been truthful, might have been useful in *some capacity*"—showing what an associate thinks of his truth—and complained to Sanborn, of Boston, because he had employed in his Harper's Ferry movement a thief who had not only stolen from Missouri, but from Brown himself; employed out of Brown's "admiration for the desperate feat" of stealing horses and robbing houses.

And yet Brown is honest, truthful, disingenuous and all that. Of course he is, because "Brutus was an honorable man."

## II

## JOHN BROWN AND COMPANY.

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"The Constitution of the United States is a covenant with death, and an agreement with hell."—LLOYD GARRISON.

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REDPATH, COOK AND KAGI.

In his "card," fulminated against Col. Hugh Forbes, Horace Greeley states that he does "not believe that John Brown ever intentionally deceived Forbes or any body else." It is nothing new for Greeley to make a statement wide of the truth, when a falsehood difficult of detection will do as well; but it goes decisively against the grain to think that he should have done it in this case, when all the world knows that Brown has just been detected in and convicted of the most stupendous crimes which he was enabled to commit by the most stupendous deceptions. He operated under an assumed name: Did Brown "deceive" anybody when he made all Harper's Ferry believe that his name was John Smith? Did he "deceive" anybody when he pretended to be a miner? Did he "deceive" anybody when he wrote to J. H. Kagi, as J. Henrie? He "deceived" nobody of course, when he took his opponent, at the Battle of Black Jack, prisoner under a flag of truce! I repeat that it is hard to consider that Greeley, who is as wise as a serpent (and as harmless as a dove) usually, would have been so soft as to make such a declaration, as that Brown never *intentionally* deceived anybody? But as the Constitution is a "covenant with death and an agreement with hell," deception is not deception when used to overthrow that Constitution; "the end justifies the means;" "There is no law for slavery;" "Virginia has no law;" and these sayings of fanatics being taken for axioms, it becomes clear that Brown never *intentionally* deceived anyone—no never!

I wager double the amount subscribed to stock in the "Provisional Government" by Giddings, that it turns out in the end that not only did

old Brown deceive Hugh Forbes Esq., but also Gerrit Smith and the rest, together with James Redpath, John E. Cook and J. H. Kagi.

#### REDPATH.

J. Redpath is now a regular correspondent of the *New York Tribune*. What else he does, deponent saith not. Let the tree be judged by its fruits. \* \* J. R. is an Englishman. Had he been named Jas. Redmouth, or John Whiteliver, it would have been more appropriate, albeit his path of life would be red with blood, provided he had some one to practice for him what he professes. Always blood-thirsty on paper, he takes great care never to drink anything sanguinary himself, unless it is beef's blood, for which he has a remarkable affinity. "The latter end of a fray and the beginning of a feast, suits a dull fighter and a keen guest." Major Redpath, (for he is known as a person of that rank, in Kansas,) has not been in "Hammerica" long. We first hear of him as assistant editor of a Southern paper, from which he was dismissed on account of his hot-headed pro-slaveryism—being too ultra an advocate of African slavery for a Southern Democratic paper. After trying his hand on another Southern paper, and for aught we know being dismissed therefrom, also, we next hear of him as an attache of the *St. Louis Democrat*, the great abolition paper of Missouri. He went to Kansas as its correspondent, whence he wrote an ocean of anti-slavery twaddle, as hot-headed *against* slavery as his former efforts had been *for it*. In this capacity, he distinguished himself. As a gentleman, he was known as a consummate coward, and as a correspondent, the most outrageous, intolerable, unheard of, never-to-be-forgotten liar out of England. He was rescued one day near the Shawnee Mission from a fence corner, in which he was beleaguered by a worthless fellow more cowardly than himself. It was he who killed Rev. Martin White, who died pierced with seven bullets—paper bullets as it turned out, for he lives now, (if he isn't dead,) having escaped from the clutches of old Brown, and the newspaper assassinations of Major Redpath. (He, Martin White, was a free soiler, but too honest to follow Brown). The Major says he went to the South on purpose to learn something bad about slavery, and that he was and is for war upon it—he's "agin" the Constitution and the Union—that "covenant with death and agreement with hell." Yet while in the South, for bread and butter he wrote good things about slavery, and I suppose that Mr. Greeley would say, that Jas. Redpath "never intentionally deceived anyone." In stature, J. R. is about five feet two. In speed, he is about 2,40 from

a fight. In mental calibre, his bigness is beyond all human computation. In looks, he can beat the d—l.

#### COOK.

John E. Cook is a good shot at a mark. Notwithstanding his white liver, he is somewhat deserving of commiseration. When the Free State Hotel was destroyed at Lawrence, on the 22d May, 1856, the town was deserted by most of the inhabitants when the pro-slavery army entered it. The free soilers took a pride in concealing their arms, and although they had a large quantity but few were found. Cook, not getting away as fast as some, was arrested. He appealed to me, a Captain for protection, having a bundle in his arms apparently a child wrapped in a blanket. I protected him, on his assertion that he was a harmless school teacher. I met him afterwards under peculiar circumstances, when he was inclined to repay me for my kindness. But he laughed at me for having been "fooled" by him. It appears that the bundle in his arms at Lawrence, was a Sharp's rifle, which he was anxious to preserve from the Border Ruffians; and he resorted to the ruse of making believe it was his baby. He was then unmarried, had no family and was much of a ladies man. The rifle no doubt was the same, used by him at Harper's Ferry, of which notice has been made in the papers. It was a very fine piece, of small bore, with adjustable sight, and he said it cost eighty dollars. Cook was doubtless easily led away, but his crime was particularly great in acting the spy so long at Harper's Ferry. He is a man of small stature, pale face, and some intelligence "with a romantic disposition."

#### KAGI OR KAGEY.

J. H. Kagi hailed from "Topekee," in Kansas. He distinguished himself by the following: Corresponding with the New York Tribune, he said something derogatory to the character of Judge Rush Elmore, now Chief Justice of Kansas. The Judge happening to meet Kagi at Tecumseh, fell afoot of him with a cane, and larrupped him pretty well. Kagi retreated rapidly, but, in a moment when the Judge was off his guard, his retreating antagonist shot him in the back. Kagi, after that, figured in the "Topeka Government," and, no doubt, co-operated with Brown in his stealing of horses and negroes—in his murders and ravages generally. In the Provisional Government he held a high place—a place no less than that of Secretary of War, which, it must be acknowledged, was very important. Kagi had some sprightliness, and wrote readable let-

ters. But fanaticism carried him away ; and that, assisted by old Brown, brought him, as it did others, to a premature and dishonorable grave ; and as it will many others of his kind, if the disciples of Wendell Phillips, Gerrit Smith, and Wm. H. Seward, dare to practice what they profess, to do and die as did the sainted John Brown, the martyr, whose blood, it is declared, will be the seed of the church. If his blood should sprout and grow it will produce a marvellous crop of rascality, bigotry, and deceptive heresies. The harvest, like the seed-time, will be one of dismal woes and barren calamities. \* \* "Tis even-handed justice commends the ingredients of the poisoned chalice to our own lips." Kagi, like Macbeth and his lady, has learned this. Without the aid of Executive clemency, Cook will soon do likewise. Let Redpath beware ! The poisoned cup he has so often administered to his miserable victims, and would have administered to others, is now commended to the lips of John Brown. Soon he will drain it to the dregs ; and let James Redpath take a lesson of wisdom from the occurrence, repair to "Hingland," and leave this country for this country's good and his own edification.

*"Quem Deus vult perdere, prius dementat."*



## III.

JOHN BROWN AND COMPANY.

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"Our emancipation from the slave power will come—whether in peace or in blood I know not: but whether in peace or in blood, let it come."—SENTIMENT OF J. Q. ADAMS ADOPTED BY J. R. GIDDINGS.

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## HORACE GREELEY AND THE BLACK DOUGLASS.

The two subjects of this chapter are very prominent members of the firm, but whether they are most useful as military or financial partners, it is hard to tell. They are both down on the "slave power;" both are in favor of emancipation from it, "and want it to come whether in peace or in blood." In fact, they are remarkably alike in all else but color. I doubt not, however, their livers are equally white.

Horace Greeley edits Greeley's paper, and Fred. Douglass edits his paper. Horace believes in Greeley, and Fred. believes in Douglass. That is to say, the former is a Horace Greeley man, and the latter a Frederick Douglass man. They both live on the wages of anti-slavery, and each has an abiding horror of the peculiar institution—Douglass because he has felt the slave-driver's lash, and Greeley because he has experienced the slave-owner's cane.

"A fellow feeling makes us wondrous kind."

They sympathize with old Brown and applaud his motives; and they deserve hanging just as much as the old fanatic himself. Nay, more, because they cowardly skulk, while he faces the music with a recklessness of consequences characteristic of the man whose life has been a series of daring criminalities. Col. Forbes relates that when he was contemplating his visit to Kansas, Greeley told him confidentially to keep him posted up, for when the fight begun, he wanted to be there! Fortunately, for his vegetarian constitution, the fighting was all over.

If he was anxious to "pitch in," why wasn't Horace on hand in 1856 ? If he was spoiling for a fray, why didn't Greeley fight Senator Rusk, when that brave Texan belabored him in Pennsylvania avenue ?

The Hon. Mr. Greeley recently visited Kansas and Utah, but happily for him, the Kansas war was ended and the Utah *emeute* had been quelled. Valiant Horace !

The Black Douglass is no less careful of his physical organization. He sympathizes with John Brown ; urges him on ; even promises to be with him ; but when the time comes to show his pluck, fulfill his word, and "emancipate himself from the slave power in peace or in blood," he takes unto himself wings and flies away ; "in short," as Mr. Micawber would say, he finds it important to visit the province of Canada, whence he writes that he does not consider it healthy about Rochester, New York, and expresses a decided aversion to being "bagged" by Governor Wise. Considerate Frederick !

If then, Messrs. Greeley and Douglass were as poor partners in a financial as they are in a military point of view, it is apparent that the firm has not much to gain by their connection with it. They should hereafter be considered at the farthest, as mere drummers, and have no voice in the management of the most vital interests of the concern. Pursuant it may be to this arrangement, the Black Douglass is about to visit Europe, and we suggest that his white confrere be immediately dispatched to Africa.

Mr. Greeley now says of Forbes, whom he gave \$20.00 towards his Kansas outfit, that he was no account but to beg for money, and never did the cause any good from the first. Mr. Black Douglass says that Cook is a liar and a coward ; that he falsely charges *him* with cowardice, while the fact is, Cook is cowardly himself, having "deserted his brave old Commander." It is always thus ; you may ever set a rogue to catch a rogue, and it is as true to-day as it was in olden time, that "when thieves fall out, the devil's about."

In this connection, and in view of the Executive pardon which is asked for the "brave old veteran," we propose briefly to look into

#### THE ANTECEDENTS OF JOHN BROWN.

It will be a gratification to the friends of Horace and Frederick for them to know all about him whose champion they are, and whose advocates they have been. We will first look at the old hero as a Kentucky jail-bird. The Evansville (Indiana) *Enquirer* informs us that John

Brown passed two years in Frankfort at *hard labor*, "having been concerned in running off slaves, and was caught in the act." After his term was out, "he went North, avowed himself a martyr to the anti-slavery cause, and became the idol of the Republicans." It seems that old Brown made his headquarters at Henderson, Kentucky, pretending to be a "pedlar," instead of a "miner," as at Harper's Ferry. This was about 1852 or '53. The *Enquirer* adds: "Old 'Pedlar' Brown, on one of his excursions, stayed over night at a house about six miles from Evansville, where the editor of this paper happened also to be a guest. The subject of slavery was discussed between them, and in the conversation, Brown stated he had lived in Portage county, Ohio. This, also, it seems, was formerly the home of the veritable old 'Ossawatomie.' He also said he had a family of sons whom he had dedicated to eternal hostility to slavery. Old 'Ossawatomie' lost two sons at Harper's Ferry, carrying out their eternal hostility." And lost them, the editor might have added, in carrying out the country's "emancipation from the slave power in blood."

The Lawrence (Kansas) *Herald of Freedom*, has the following: "The first time the people of Kansas heard of old John Brown, was in the summer of 1855. A meeting of ultra abolitionists was held at Cazenovia, New York, if we recollect rightly. While in session, Brown, who is a native of Essex county, New York, appeared in that convention and made a very fiery speech, during which he said he had four sons in Kansas, and he had three others who were desirous of going there to aid in fighting the battles of freedom. He could not consent to go unless he could go armed, and he would like to arm all his sons, but was not able to do so. Funds were contributed on the spot, principally by Gerrit Smith."

The Penitentiary term of Old Brown must have expired about the spring of 1855. The *Herald of Freedom* further says: "Old John Brown singled out, with himself, seven men. These he marched to a point eight miles above the mouth of Potawatamie creek, and called from their beds at their several residences at the hour of midnight, on the 24th of May, 1856, Allen Wilkinson, William Sherman, William P. Doyle, William Doyle and Drury Doyle. All were found the next morning by the roadside or in the highway, some with a gash in their heads and sides, and their throats cut; others with their skulls split open in two places, with holes in their breasts, and hands cut off; and others had holes through their breasts, with their fingers cut off. No man in Kansas has pretended to deny that Old John Brown led that

*foray, which massacred those men. Up to that period not a hair of Old John Brown's head, or that of any of his sons, had been injured by the pro-slavery party."* Let it be understood that this is not pro-slavery testimony, it is Black Republican. It is not Captain Pate that speaks, but Geo. W. Brown, who has as much to complain of the pro-slavery party as any one, if not more. He himself was long time a prisoner in camp, and had his printing office destroyed on May 21st, 1856.

#### GOVERNOR WISE AND OLD BROWN.

I will not close this without doing full justice to Governor Wise, if I have not already done it. The Governor spoke of Brown from impulse, and in the absence of facts it was impossible for him to be aware of. On reading his speech at Richmond, after returning from Harper's Ferry, the writer of this addressed a letter to the Governor, putting him in possession of certain facts, and in a friendly manner asking if he had not estimated Old Brown's character too highly? He replied: "Doubtless you are a better judge, far, than I am, of Brown. You saw him in his every day light, I in his position as a wounded prisoner; you for a close look at him, I cursorily. I gave only my first and hasty impressions of him. At all events, I thank you for yours," &c.

Henry A. Wise is one of those honest persons, of great heart, who are ever ready to "render unto Cæsar the things that are Cæsar's, and unto God the things that are God's." In this case we might more appropriately say, he was ready "to give the devil his due," as he understood it; but we venture to say that, had the Governor been possessed of all the facts of Brown's life, he would have been the last of men to give Pottawatamie Creek Brown credit for true bravery. If a midnight assassin can be brave, then is John<sup>ly</sup> Brown a brave man.

Brown invoked war to "emancipate the country from the slave power." Greely and Black Douglass said "let it come;" but when it came, Douglass went, and Greely was not ready to receive it.

IV.

## JOHN BROWN AND COMPANY.

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"These light afflictions, which endure for the moment, shall work out for me a far more exceeding and eternal weight of glory."—JOHN BROWN TO THE QUAKERS OF R. I.

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### THE PIETY OF JOHN BROWN.

Old Brown is one for whom it was said, he "stole the livery of Heaven to serve the devil in." If it was ever done, he did it. No one can read his cant about the "sword of Gideon," the "poor that cry and have no help," his "wielding the sword of the spirit on the right and on the left," and remaining "joyful in all tribulations," without being disgusted, and at the same time convinced of his hypocritical scoundrelism.

No cause, in itself good, can be advanced by deception, and there is no end sufficiently important in this world to be justified in being compassed by crime. The Bible teaches us to let our light so shine that others, seeing our good works, may be benefited thereby; and no where does it inculcate the principle of deceit; but, on the reverse, it anathematizes, above all others, such workers of iniquity as hypocrites. One is a hypocrite when he pretends to be what he is not, and that is John Brown to a T. Pretending to be a pedlar, he turns out to be a Kentucky negro thief. Affecting to be a philanthropist, he is proven to be a speculator in cotton. Essayng to befriend the negro, he discovers himself the worst enemy the black man ever had.

Being out of means and out of employment, Brown started for Kansas, and went there as a professional fighter and a compensated free-booter. How well he acted his part, Pottawatomie Creek witnessed, Ossawatimie and Black Jack tell, and numbers of widowed and plun-

dered households can testify. When the troublous times in Kansas were over, and Brown became an outlawed felon by his own acts, Othello's occupation was gone. He must have something to do; the hero of a hundred thefts and a million lies had to live. Therefore he set himself to work, and the result of his labors was the Harper's Ferry failure. Porte Crayon quite aptly illustrates it by a fable of Æsop: "A certain harper, having pleased the sots in an ale-house with his music, was so conceited as to go upon the stage and play for the great public. Here he failed ignominiously, and was hissed." Brown's performances "with the sword of Gideon" in Kansas, made him so conceited that he thought he could perform with equal *eclat* in Virginia. "Here he ignominiously failed and was hissed" off the stage of action, to appear positively for the last time on the second of December 1859. He made the nigger a hobby-horse, on which to ride to fortune and favor with the great Moguls of Abolition, not truly caring whether Cuffee got any good of it or not. He discovers at last that the "wages of sin is death." But how cunningly does the old sinner evade this confession! Hear him: "I think God put a sword in my hand, and there continued it so long as He saw best, and then kindly took it from me." This might properly be called a polite way of acknowledging merited damnation.

In Brown's speech before sentence of death, he said it was not his intention to make war and kill, but to carry off negroes as he did in Missouri, "without snapping a gun." The articles of his Provisional Government, under which he is commander-in-chief of the army, give the lie to this statement. "I do not feel consciousness of guilt in *taking up arms*," says he to his Quaker friend "E. B. of R. I.," acknowledging that he went to war, and thus convicting himself of falsehood. Mr. Charles Blair, who made Brown's pikes, publishes a card, showing that he was deceived by the old reprobate in the object he had in view by their manufacture. When Mr. B. suggested that they "could be of no use in *Kansas*," Brown made an evasive reply, and said "they might be of *some use*." Mr B. says:

"In July I received a letter from Old Brown, directing me to forward the 'freight,' when finished, to J. Smith & Sons, Chambersburg, Pa. Subsequently I received the following letter:

CHAMBERSBURG, Pa., Aug. 24, 1859.

"CHAR. BLAIR, Esq., Dear Sir:—Some time in July last a Mr. Brown, who said he was dealing with you, made arrangements with us to *receive and forward* some freight he expected from you.

"Will you please say to us by return mail if you have sent any part of it forward, and if not, when you think you can do so.

"Respectfully yours,

J. SMITH & SONS."

"The words 'receive and forward' were underscored in the original. The letter was in an entirely different handwriting, and I honestly supposed was from a *bona fide* firm doing business in Chambersburg. My reply to that letter has also been published. Within a few days the pikes were sent as ordered, and their receipt was acknowledged by J. Smith & Sons, in a letter dated September 15."

The intelligent reader need not be informed that "J. Smith & Sons" was another name for J. Brown & Sons. Possibly Old Brown was wielding "the sword of the spirit" when he caused "J. Henrie Kagi," or J. Henry Somebody else, to forge the name of J. Smith & Sons, thereby deceiving a Black Republican friend. But, fortunately, he did not find his sword "mighty to the pulling down of strongholds" when he came to use it at Harper's Ferry.

Much stress has been laid upon Brown's truthfulness. I aver that if hell holds a greater liar than he, it is a better place than it has credit for. Ever since his career in Kansas commenced, his chief stock in trade has been lies to cover up his uncounted crimes, and "put money in his purse." Brown hires a fellow, one of his cut-throat band, to "confess" to Redpath that he did the work on Pottawatomie Creek. Redpath gives the *confession* circulation, and Brown swears to it, knowing it to be a falsehood as black as the heart that conceived it.

This is taken from Mr. Blair's Collinsville card :

"In the latter part of February or the early part of March, 1857, 'Old Brown,' as he is familiarly called, came to this town to visit his relatives, (most of whom, I learn, reside here) and, by invitation, addressed the inhabitants at a public meeting.

"At the close of the meeting, or on the following day, he exhibited some weapons which he claimed to have taken from Capt. H. C. Pate, at the battle of Black Jack.

"Among others was a bowie knife, or dirk, having a blade about eight inches long. Brown remarked that such an instrument, fixed to the end of a pole about six feet long, would be a capital weapon to place in the hands of the settlers in Kansas, to keep in their cabins to defend

themselves against any attack by 'Border Ruffians or wild beasts,' and asked me what it would be worth to make a thousand."

When Captain Pate and his company were released from Brown's treacherous clutches, Colonel Sumner ordered Brown to give up all the weapons and other accoutrements, and Brown *upon his honor said* he had returned everything that he knew of. Capt. P. does not think anything was kept back but the horse of one of his men, and his own bowie knife, doubtless the very one exhibited to Mr. Blair at Collinsville. This knife was appropriated by Fred. Brown, who was afterwards killed by 'Poor Martin White' at the battle of Ossawatimie, and he said *upon his word of honor* that he had hid it to prevent its being taken by force, and could not find it. The statement bore a lie on its face, and these are only instances of the piety of John Brown, which he practiced himself and taught his children. He exhibited not only weapons, but a great many other things he pretended to have taken at Black Jack, but which were, in fact, stolen from some inoffensive settler. These things became curiosities; they drew crowds to his lectures, and his lectures paid. His lies put money in his pocket; they added *eclat* to profit.

Col. Forbes in a letter to Dr. Howe of Boston, gave his reason why Brown should be stopped in his mad career, and the arms of the Aid Society should be taken from him: Among others, was this:

"Fourth. Because some of the hands engaged by him are highly objectionable; for example, when Brown was in the first Kansas troubles, he was, by his own men, robbed of horses, &c. Now, a young man whom he asserted had helped to rob him has been re-engaged, for the reason that he did an audacious act, going with three others to Missouri, to the house of another John Brown, whence they took money and horses; after the troubles in Kansas were over, and B. had left; thence they went to another house and did in the like manner, and though pursued, they got away with the booty. Reprisals and foraging for the common stock are justifiable in war, when ordered by the directing power, but such things, if permitted to be done by individuals, for private gain, constitute brigandage; the robbery of comrades is, however, the worst of all pillage. I remonstrated against the engagement of that person, but B. told me he had already done it; his admiration for the desperate feat effaced every other feeling."

Such was the character of one of Brown's men. But look at them all, both the dead and the living, and a score of lower, meaner, more debased "housey, christless, God-forsaken" devils never lived, Stevens



was a deserter from the U. S. army, the least that could be said of him. Edwin Coppie "always enjoyed the reputation of a reckless, dare-devil fellow, possessing much more physical fortitude than principle." He had a "depraved and vicious nature," and was a regular negro-thief. That is the least that can be said of him. Albert Hazlet was a Pennsylvania defaulter and a New York horse-thief, saving his bacon in the latter place, "by turning State's-evidence and giving testimony against his confederates." Thus we might go on from "Jeremiah Anderson" down to "J. Henrie Kagi," and up to old Brown, and we would find the whole crew to be unmitigated scoundrels and practical brigands.

What a comment on the piety of this man, that every employee was either a thief, a murderer, or a notorious vagabond! Well might he exclaim, if there be any salvation for so mortal a sinner, however penitent, that his detection and conviction would "but work for him a far more exceeding and eternal weight of glory."

Some one has written a few admirable verses on "old John Brown," of which the following is the first:

"Old John Brown, a man of renown,  
Whose crimes are an unwritten story,  
Has carved his name on the pillar of fame,  
And covered his *future* with glory."

The glory of the gallows; the renown of meeting the deserved fate of a convicted traitor; the honor of atoning for a life "black as night" in a death "terrible as hell."

## V.

## JOHN BROWN AND COMPANY.

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"John Brown has figured as a hero in Kansas. The time will come when history will be ventilated, and instead of a hero he will stand before the country in his true character."—GEORGE W. BROWN, A KANSAS REPUBLICAN.

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## JOHN BROWN AS A HERO.

X  
Cicero was a hero. Eloquent, a man of genius and high moral instincts, he spoke and wrote and used his influence against conspirators, and all whom he considered enemies to his country's peace. Loved by the people, he was yet banished their presence; but the love they bore him restored Cicero to the light and liberty of his adopted home.

Proconsul of Cecilia, he gave great satisfaction by the impartiality of his administration. A partisan with Pompey in his civil war with Cæsar, he proved himself to be a ready soldier. A leader of the Senate, by his famous philippics against Anthony, he made himself "the idol of the people;" but they drew upon him the bale of Anthony's malice, and he had to answer for them with his head, under the second triumvirate. "His head and hands were conveyed to Rome and, by the orders of Anthony, nailed to the Rostra." No sane man will deny that Marcus Tullius Cicero was a hero. His genius, his services to his country, his banishment and ignominious execution, made him a martyred hero, as distinguished as ever died on the block.

It was no morbid sentimentality that gave this illustrious Roman the character of heroism in history. When Octavius gave him up, and Cicero found he must die, he "stretched forward his head to the executioners, and called upon them to strike." He had committed no crime, and could afford to defy the hatchet and its minions. In *him*, this was heroism indeed. But what must be the state of that society which can

throw around John Brown the mantle of a hero ! He has not a single attribute of heroism, unless the spirit which made Benedict Arnold a traitor, and the deeds which constituted John A. Murel a murderer and counterfeiter, are parts of heroism. The *Baltimore Exchange*, which is one of the ablest papers in the country, makes the following sensible remarks :

“It is just to add, however, that various circumstances, besides those which we enumerated, have helped to raise Brown to the position of hero in the eyes of the people of the North—and prominent among these are the false and exaggerated views of Brown’s character and purposes which have been originated and disseminated at the South. Coupled with sympathy with the treason, we everywhere find, at the North, admiration for the traitor. He is the “brave old man”—the “noble old man”—the “great,” and even the “God-like” man. A sculptor has travelled all the way from Boston to Charleston to take a cast of his features, for the purpose of perpetuating them in marble. The second day of December—the day on which Brown is sentenced to be hung—is to be kept as a day of fasting and humiliation by thousands of people. In fine, Brown is destined to receive, and already receive, the honors which are due only to the most exalted heroism and the purest patriotism. For this, Southern men have themselves, in a great measure, to thank. They have magnified unduly the importance of Brown, and particularly his fortitude and courage.”

The people do not seem to know that “there is a courage which, in the face of death, takes possession of the meanest and weakest natures—the courage of despair.” The truth is, that the *courage of despair* is the only kind which Brown ever had, except it is what we have heretofore defined to be the “courage to do wrong, to cheat, to kill, and to steal.”

The *Exchange* farther says :

“How idle, then, to talk about Old Brown’s courage, as if there had never been men before him—or as if many a poor wretch, condemned to death for sheep-stealing or shop-lifting, has not shown as much fortitude as he ! Yet it is this quality which has contributed so largely to elevate Brown to the position of a hero at the North, and which has won the admiration of Gov. Wise. What other claims to respect or sympathy Old Brown possesses, we are at a loss to imagine. Had he killed the unarmed gentlemen who were prisoners in his hands, he would not have been more the fiend he proved himself to be when he sought to let loose, upon the homes and fields of Maryland and Virginia,

and the peaceful community in which he had dwelt without harm or molestation, the horrors of murder, rape and arson, and all the barbarous consequences of a servile war. Nor is there any reason for supposing that Old Brown spared his prisoners from any other motives than those of policy--while there is ground for believing that this very act of mercy is one of the mistakes which he regrets that he committed."

I have quoted thus largely from the *Exchange*, no less because its remarks are weighty, than because I desire to show that there are others who think as I do, and who are able to express their thoughts clearly and with signal ability.

I am pleased to observe that the Richmond *Enquirer* is altering its position as to Brown's character: I also quote from the *Enquirer*:

"It is established, beyond doubt, that since his trial Brown has prevaricated about a matter concerning which he could not have committed or innocently given rise to any mistake. Before the committing magistrate, when Gov. Wise was reciting Brown's previous avowals, the Governor described Brown as avowing that the negroes sent off under Cook's escort were to be "run off." He was interrupted by Brown himself, who declared the Governor to be mistaken in that part of the statement. Brown indignantly denied that he intended to run off the negroes; asserted that they were only sent away to remove the arms left in the mountains, to prevent them from falling into the hands of the civil authorities; that the negroes were to return, armed, to fight for their own freedom. This was qualified only by the further assertion, that no injury was intended against such slave-holders as should peaceably submit to the emancipation of their slaves. No declaration of absolute intention to incite insurrection could be more explicit or unmis-takeable.

"Now compare this with Brown's late declaration: "I never did intend murder, or treason, or the destruction of property, or to incite slaves to rebellion, or to make insurrection." These stubborn facts go strongly to disprove the character for honesty which has been so frequently claimed for and conceded to John Brown."

The *Enquirer* having done much to make Brown a hero, it is pleasing to see it taking steps towards making amends for so serious a fault. When it ceases to regard Brown as a man of "extraordinary courage," it will then, and not till then, have purged itself of the fault of having aided in giving old Brown the false character of a hero. It is as true as that light makes day and its absence darkness, that when the history of

the Kansas excitement is written, that "John Brown, instead of a hero, will stand before the country in his true character"—that of the murderer and hypocritical fanatic, who can die with a lie in his mouth, and face the terrors of the scaffold with a conscience unpurged of all the sins in the calendar of crime. We would commend to Southerners who will insist on Brown's characteristics of a hero, the following "four estimates of John Brown."

The Rev. Mr. Wayland, of Worcester, compares him to "Patrick Henry, Otis, and Warren." Also, declares that "History shall treasure his words, and youth shall repeat them on the stage of boyish declamation."

Wendell Phillips says he is a greater and a better man than Washington was, and that if he is hanged it will take more than two Washingtons to be born in Virginia to wipe out the wrong.

The *Hartford Courant* compares him to Algernon Sydney, Hampden and Cromwell. Also, declares that he is a *hero*. (When the news of the murders first came, it declared he ought to be hung as a felon.)

Wm. James Watkins, (negro,) who addressed a Republican meeting at Brockett's Bridge, New York, on the evening of November 2d, declared of him that "he was a *hero*, as brave and as holy as the sun ever flashed upon." Also, that "Washington does not deserve to be mentioned in the same day with Captain John Brown."

I give them as they are found floating in the newspapers.

Such a comparison is almost enough to make disunionists of us all, to create a desire for non-fellowship with people so lost to justice as to desire the pardon of a felon, and so blind to their duties as patriots as to deify a traitor. Think of John Brown's being greater than Washington, and equal to Algernon Sidney, Hampden and Cromwell! But what shall we say when a convicted traitor to the country is compared to Otis who plead, and Warren who fought for the liberties Brown aimed to subvert? What shall Virginians say when a grovelling negro thief is held to be a compeer of their own Patrick Henry, whose patriotism was only equalled by his eloquence, and whose mind was as "independent as an eagle in his eyrie!"

Of a verity, John Brown, if all were true that is said of him, is a "hero as brave and as holy as the sun ever flashed upon."

The Christian Abolitionists of New England are to celebrate Brown's birth-day and "martyrdom."

"Ye hypocrites! are these your pranks—  
To murder folks and then give thanks?  
Forbear, I say! proceed no further,  
For God delights in no such murder."

Robert Burns never penned a happier verse.

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## VI

### EPISTLE TO AN ANONYMOUS CORRESPONDENT.

[Published in the *New York Herald*.]

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"If he sowed the wind, he might have expected to reap the whirlwind."—**SENTIMENT FROM THE BIBLE.**

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NORFOLK, Va., Nov. 3, 1859.

*To the Editor of the Herald:*

Having received an anonymous letter which I desire to answer, I request that you allow me to do so through your journal, as the author is unknown and the newspaper is the only channel through which a reply would probably reach him and those for whom it is intended. The letter follows. It is without date, but postmarked New York.

#### THE LETTER.

To H. C. PATE—Border Ruffian and Pet of the President:—

There is an old saying, of which you have probably heard, that "Pot-

should not call kettle black." You call Brown an outlaw. What have you been? Any better? You call yourself Henry Clay Pate—you cannot blame your mother for giving you that name; but don't bring in that honored man in such hideous connection. Why not H. C. and the rest? You are determined it shall not be *broken* Pate, at least. Old Brown, I grant, is a vile incendiary, and his course condemned by all parties, but "those who live in glass houses should not throw stones." The cause which drove Brown into such excesses and maddened his brain, should make you blush to own. Think of a President who refused the assistance of the United States troops to prevent murder, and who rewarded the murderer with the office of United States Marshal. Read the enclosed statement of facts, and say what you would have been under less provocation. Yours &c.

PLAIN TRUTH.

From a Jeffersonian Republican.

## THE ENCLOSURE.

"The history of the provoking causes of Brown's Kansas career are thus stated by the *Cleveland Herald* :

"John Brown had a son, E. P. Brown, who near Easton that winter (1855-56) was taken prisoner by the Missouri ruffians and confined in a store. Then it was an express visited Fort Leavenworth, and begged that United States troops might go to the spot and save Brown from being murdered. That was refused, and refused too, in compliance with positive orders from Washington. What followed? Capt. E. P. Brown was helpless and alone in the power of the pro-slavery men; that band of ruffians struck him, and he rose to his feet and asked to be permitted to fight the best man among them—he would fight for his life—but the cowards dared not give him a chance. Brown then dared any two or three of them to fight him, but the cowards would not comply with that request.

"Then the fiends in human shape rushed upon the unarmed, and defenceless Brown, and actually hacked him to pieces with their hatchets. A slaveholder named Gibson, dealt the fatal blow, burying a hatchet in the side of Brown's head, splitting his skull four inches, and scattering his brains. Brown fell, and his enemies jumped upon him. While dying Brown cried out, "Don't kill me—I am dying;" and one of the pro-slavery wretches—since then awarded with a commission as United States Marshal—stooped over the prostrate man and spit tobacco juice in his eyes.

" Thus died Capt. E. P. Brown—a free State Martyr—the son of John Brown, known as Ossawatimie Brown.

" From that time forward the old man devoted himself to warfare upon slavery. He became the leading free State partisan in the Kansas troubles. He was the terror of the Missouri frontier."

#### REPLY.

The mendacity of your letter is only equalled by the ignorance it displays, and surpasse~~d~~d by your own cowardice in sending me an anonymous note. It would not be noticed if it were the only one of the kind I have received, and did not reflect the sentiments of a large number of Northern people known as black republicans and abolitionists, amongst whom I have been vilified for the last three or four years. It is to their sense of justice and reason—if they have them—I would appeal, through you, for a respectful hearing at least. That I am, according to popular prejudice at the North, a "border ruffian," it will not be denied; but that I am a real ruffian you shall be put upon the proof, if my proposition, herein made, shall be accepted. But I do deny most emphatically that I am the "pet of the President." If I am a pet of Mr. Buchanan, the subscriber is not aware of it, having never received a crumb of comfort from his hand, nor the least evidence of his favor, but instead, his disfavor. Although I have not asked of him anything for myself, I have been denied something for a friend. That show of disfavor, however, did not make me an enemy of his administration, as it might have done you, and I am ready to defend it, so far as becomes any good democrat. Whatever else you may say of the President, he "has not that sin to answer for," the sin of "petting" the subscribing border ruffian. You ask, if Brown is an outlaw, what am I? I would put that question to you. I have never been in the penitentiary, although some of your friends have tried to get me there. Brown has, it seems, from pretty good testimony. I never killed a man, white or black, nor a woman, in cold blood, or in any other way, though your abolition organs have charged it on me; Brown has. I never robbed and burned a house, albeit I stood accused in Dr. Gihon's attempt at a book, with that same; Brown has. I never stole a negro, notwithstanding it has been published that I hooked one, which turned out to be my own; Brown has, by his own confession and the admission of his warmest admirers. I have never been found guilty of treason, insurrection and murder, and sentenced to be hung for those high crimes, which



your friends have not had the face to charge upon me ; John Brown has. Then why insinuate that I am an outlaw ? Only because I am a slaveholder ? If that be so, I rejoice to find myself in such excellent company as Gov. Wise, Senator Hunter, Secretary Cobb and Stephen A. Douglas, not mentioning thousands of the truest patriots and best of men, including that illustrious statesman in his grave, whose name you pretend to think I dishonor. (Do you suppose his spirit would not blush to own an admirer of a traitor to the country he loved so dearly, and served so faithfully, like you, to be an admirer of himself?) You think Brown "is a vile incendiary," and "condemn his course." Why then do you volunteer as his advocate, and my traducer on his account ? Possibly you hate the treason, but love the traitor. You disclaim the murder but adore the murderer. You condemn the theft, but admire the negro thief. You despise house burning, but patronize the "vile incendiary." Your excuse about equals your logic, and your logic compares favorably with your intelligence, of which you have little to boast, judging from the only evidence before me.

It is entirely new to me that E. P. Brown, killed at Easton, was a son of old John. It was not talked of at the time, nor afterwards, and I do not believe he was any more of kin to Ossawatimic Brown than you are—though your relationship may not be very distant. As to the circumstances of his death I know nothing, but I do not entertain the idea that they were such as described by the *Cleveland Herald*. No man abhors cold-blooded murder more than I ; none would go farther to punish it, or sooner denounce it, in friends as well as foes, as I have done. Who is the murderer referred to, is as little known to me as to you—perhaps less. That he was rewarded for the deed by the President, or that the troops when needed were withdrawn by his order, is as untrue as that you are "most ignorant of what you are most assured." You evidently refer to Mr. Buchanan, when, if you knew as much as you think you do, you would know that General Pierce was President at the time E. P. Brown was killed, the date being given in the extract from the *Cleveland Herald* which you sent me.

Old Brown says he went to Kansas to "fight the battles of freedom." Redpath states that for thirty years he "secretly cherished the idea of being the leader in a servile insurrection." The "Jeffersonian republicans" furnished him money to go to Kansas, and gave him the wherewithal to begin the war ; and Old Brown has none but himself and his friends to blame. If he sowed the wind, he might have expected to reap the whirlwind. If he appealed to the sword, he ought to be wil-

ling to die by the sword. If he resorted to the *lex talionis*, he should be ready to abide by the law of retaliation. If he invoked assassination, could he complain of others killing in self-defence? "'Tis even handed justice commends the ingredients of the poisoned chalice to our own lips." If any of Brown's sons were murdered, I do not know it.

The proposition I have to make is this: Your letter being post-marked New York, I presume you are a New Yorker, and as you have hinted at a want of courage on my part, in referring, very ungrammatically, if not in extremely bad taste, to a "broken Pate," I will come to New York, hold a discussion with you, if you are a respectable person, or any of your party, on the subject of your anonymous communication, and my course in Kansas, with an incidental defence of Mr. Buchanan's administration if necessary. Or, I will come and speak alone, if you prefer it. The speech or discussion must take place in some prominent hall, and the proceeds, if anything is charged for admission, shall go to the fund for the purchase of Mount Vernon, or the erection of the Washington Monument, as I may designate. You can make known the acceptance of the proposition through the New York papers, and I will come on and prepare for the occasion.

Should you prefer to come South, I can assure you of polite treatment, and that you will receive satisfactory evidence that I am not a ruffian. Yet you will find that I "know my rights, and knowing, dare maintain them."

H. CLAY PATE.

TO PLAIN TRUTH. New York.



## VII

## THE BATTLE OF BLACK-JACK.

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"He who fights and runs away, shall live to fight another day."—HINDENBURG.

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## ITS HISTORY.

This battle was fought at Black-Jack Point, in Kansas Territory, on the second of June, 1856. I was encamped at that place, with about twenty-five men; myself acting under the orders of T. W. Hays, U. S. Marshal for the Southern District of Kansas.

On the 24th day of May, 1856, the Pottawatomie Creek massacre took place. My readers are already acquainted with the nature of that transaction. The statements of Mrs. John Doyle and son, and Mrs. Allen Wilkinson, as sworn to before competent officers, are in existence, and I think were published along with the minority report of the Hon. Mr. Oliver of Missouri, one of the Kansas Investigating Committee, whose report in full was printed by Congress in 1856. There is no doubt of this massacre; and there is no less doubt that the five persons killed were inoffensive—in fact, a party of more peaceable citizens could not have been found in the limits of the Territory. Their only offence was that they voted with the pro-slavery party.

It has been alleged that they had threatened John Brown's life. It was not true. Allen Wilkinson was the most conservative member of the first Legislature of Kansas; so much so, in fact, that he was not considered a reliable party man, and was suspected of free-soilism. William Sherman was a German cattle-trader. Old Mr. Doyle and his sons lived quietly on a claim, and were farmers on a small scale. Living in a free-soil neighborhood, it was their policy to take no active part in the struggle as to whether Kansas should be a slave or free State.

The subject was up between Old Brown and myself at Charlestown, on the 22d November last, and he did not pretend to deny that he killed the five settlers as stated, nor is it worth while for his friends to do so. The evidence is overwhelming against them.

It was when I heard of these murders, that I raised a company of emigrants and marched to the neighborhood of the troubles to join those in search of the guilty parties.

Brown had fled. The free-soilers pledged themselves to assist in his capture, and a few did so—principally those about Paola and Staunton. It so happened that the Marshal, after failing to find Brown on the Merai de Signe, divided his forces and sent me to the neighborhood of Prairie City, near which Brown was encamped with his band of outlaws.

While camped at Black-Jack, I sent out scouts to discover if anything could be heard of the murderers; some of these scouts, contrary to orders, acted very improperly, by interfering with free-soil settlers in an unwarrantable manner. Taking advantage of such outrages, Brown rallied to his standard all the neighborhood, and sent to the adjacent towns for help. I was attacked early in the morning of the 2d June; most of the men being asleep when the alarm was given. We were soon surrounded, and after fighting three or four hours, were taken prisoners in the manner hereafter stated.

I am now enabled to publish a statement, which goes to confirm all I have ever alleged about Brown's treachery in taking me prisoner under a flag of truce. I went to Charlestown, and had an audience with the prisoner. The reader is referred to this

#### STATEMENT.

The undersigned were present at an interview between Capt. H. Clay Pate, and John Brown, in the jail at Charlestown, Virginia, November 22d, 1859, and make the following statement: In relation to the violation of the flag of truce, by Capt. Brown, at the battle of Black-Jack, in Kansas, he said that if the truce was violated by him, it was unintentional, but admitted that when the flag came to him, it was borne by Henry James, one of Pate's men, accompanied by a free-soiler, (taken prisoner and held as a spy in Pate's camp, as we learn from Capt. P.); that when Pate's request to meet whomever might be in command, and "have a talk," was made known to Brown, who was the commander of the opposite party, he (B.) requiring James to remain, sent back the

free-soiler to say that he (Brown) would meet Capt. Pate himself ; that he went out and met Brown, who after asking him if he had any proposals to make, flatly told him that he would hear to none but a surrender ; that Pate said he would reply on returning to and consulting his company ; that Brown refused, calling to his aid his most reliable men, and requiring Pate to advance in front of them, so that he and James would receive and fall by the fire of both his own and Brown's men, in case either fired. Capt. Brown admitted that some of his party were close to him at the time he required Pate and James to accompany him and surrender, although he placed little or no reliance on them. When Capt. Pate declared that he was in B's power, having relied upon his good faith in respecting the truce, and could not help himself, and that the truce was not ended until he was back in his camp, in the same position he occupied before the truce was granted, Stevens, Brown's fellow-prisoner, of his own accord, spoke out earnestly, and said with emphasis "the flag was violated." It was agreed between Capt. B. and Capt. Pate, that when Brown's company, with Pate and James in front, came near Pate's company, Brown required Pate to give the order to surrender, which Pate refused to do, after which his men threw down their arms, of their own notion, seeing their desperate situation, and the danger of their Captain. During this interview, Capt. Brown said that he had never imputed cowardice to Capt. Pate, but declared then, as he had done on all occasions, public and private, that the latter gave him the hardest fight he had in Kansas, and that he and his company bore themselves bravely during the fight, and gentlemanly during their imprisonment, and that Black-Jack was the only good fighting by proslavery men that he saw in Kansas. Capt. Brown admitted that he had twenty-five reliable fighting men during the battle ; and also that as soon as Captain P. and company were prisoners, there were perhaps seventy, and perchance one hundred men armed and equipped, on the ground, to share the spoils with him. He however said that Capt. Shore and company had left the field, and that he did not depend on any but his "twenty-five" reliable men for aid in the fight. (He was sorry to admit that some who were with him, were found wanting, for reasons he would not mention in words.)

We were present during the entire interview, and the above facts may be relied on.

JAS. ED. NASH. *Petersburg, Va.*

JOHN AVIS. *Jailor.*

JOHN J. H. STRAITH, M. D.

The entire number of Brown's party, I could not certify to with particularity, but I have always contended there were over  $\frac{1}{2}$  one hundred. It is clear that the truce was violated, because I should have been permitted to place myself in the same position I was in when the truce was granted, before hostilities were re-commenced. The truce would not have been ended until I was back in my camp.

It will be seen at a glance that Brown acknowledges enough to show any reasonable man, that he violated the truce. He kept men near him whom I did not see for the tall prairie grass, and was in that way able to overpower me and Henry James. I did not surrender, but was treacherously taken. In making such acknowledgements as those certified to above, Brown did a simple act of justice, and no more.

#### MY FIRST ACCOUNT.

I here give some extracts from my account of the battle as published in the *St. Louis Republican*, under date of June 9th, 1856.

Putting my command under the United States Marshal, we, led by Company C, United States Dragoons, Capt. Wood, scoured the country for the murderers. They could not be found at the place where it was said they were fortified and prepared to fight. On the morning of Saturday, 21st May, the Marshal divided his forces, sending them in various directions. He ordered my company to Hickory point and neighborhood. Saturday night we camped at Black-Jack point, near by, and remained there till Monday. On Sunday afternoon, four of my company, who were scouting, fell into the hands of the very party of assassins whom we were in search of. Two escaped to bring the news, but escaped narrowly—a shower of balls fell on all sides of them as they galloped away. I at once prepared to be attacked, and selected a spot for camp near some ravines which were calculated to yield protection. A strict watch was kept all night, but no alarm was given. However, about an hour by the sun, the mounted guard on the South rode into camp and gave notice of the enemy's approach. Although every man but the guards was sleeping, in five minutes all were in line but one or two. As the enemy came in sight they were hailed and asked, "Who are you?—what do you want?" This was repeated, but no answer came except bullets, and they came pretty thick. As soon as could be, the men were got in a near ravine, which protected them from the enemy's fire, but before this could be effectually done, five of my boys were wounded, viz.: R. A. Wood, E. McGoldrick, formerly of Georgia; James McGee, of One Hundred and Ten

Creek, K. T.; J. B. Lambert, late of Richmond, Virginia; and Tim. Conelly, late of the battle ground. Wood shot in the throat, the ball passing through the lungs and out under the shoulder blade; McGoldrick, shot in the mouth—teeth and half the tongue carried away. These two are thought to be mortally wounded, but are doing well. James McGee, wounded—getting well; Lambert, shot through the shoulder—recovering; and Connelly, wounded in the thigh—convalescent.

At first the enemy squatted down in open prairie and fired at a distance of from three to four hundred yards from us. Their lines were soon broken and they hastily ran to a ravine for shelter. Both parties being sheltered, less damage was done to either—none to ours after going into the ravine. Our tents were on a point exposed, and it was dangerous to go to them for anything; yet when anything in them or the wagons was needed, some of my brave fellows would have it, at every hazard.

At one time we were in need of caps, which were in a bag in one of the wagons; M. B. Hurst, a private, risked his life and got them, in spite of a hail-storm of bullets that whistled around him. Henry James, a young man of nineteen, son of Judge James, the Sac and Fox Agent, proved himself a hero. No less than half a dozen times he risked his life for necessary things in the camp. In the ranks of the enemy, a young fellow, more rash than wise, would jump up and crow exultingly, every few moments. Young James stealthily crept to a tent nearest the enemy, and, by raising the wall, entered without being seen. With his knife he cut a port hole in the tent wall, and, when the rash young gentleman jumped up to crow again James shot him down before he finished. Just before the youth fell, several told him he would get a bullet through him if he did not behave, and he got it.

After the firing had gone on for about three hours, there was a lull, which I took advantage of in order to have an understanding with the captain of the opposite party. When the fight commenced our forces were nearly equal, but I saw that reinforcements for the Abolitionists were near, and that the fight would be desperate, and, if they persisted, not one would be left to tell the tale of carnage that must follow. Major L. B. Washington, who was wounded slightly in riding off early in the engagement, was sent for reinforcements for us. My object was to gain time and, if possible, have hostilities suspended for a while. With this view a flag of truce was sent out, and an interview with the captain requested. Captain Brown advanced and sent for me. I approached him and made known the fact that I was acting under the orders of the U. S.

Marshal, and was only in search of persons for whom writs of arrest had been issued, and that I wished to make a proposition. He replied that he would hear no proposals, and that he wanted an unconditional surrender. I asked for fifteen minutes to answer. He refused, and I was taken prisoner under the flag of truce, a barbarity unlooked for in this country, and unheard of in the annals of honorable warfare. He had men concealed near him, who pointed their Sharp's rifles at me, and I had no alternative but to submit, or run and be shot. Had I known whom I was fighting, I would not have trusted to a flag of truce.

The enemy's men were then marched up to within fifty paces of mine, and I placed before them. Captain Brown commanded me to order my company to lay down their arms. Putting a revolver to my breast, he repeated the command, giving me one or two minutes to make the order. He might have shot me; his men might have riddled me, but I would not have given the order for a world, much less my poor life. Brown had violated the most sacred rules of warfare; he had shown himself devoid of honor, and death was better than surrender to such a man; but the company, seeing the situation I was in, voluntarily laid down their arms to save the life of their captain.

We were taken to a camp on Middle Ottawa Creek, and closely guarded. We had to cook for ourselves, furnish provisions, and sleep on the ground, but were not treated unkindly. Here we remained three days and nights, until Col. Sumner, at the head of a company of Dragoons, released us from our imprisonment.

Brown and his confederates were the men engaged in the Pottawatomie massacre, and whom I was authorized to arrest. In fact, as I say to my friends, I went to take Old Brown, and Old Brown took me.

H. C. P.

#### ADDITIONAL EVIDENCE.

At the time we were taken, I had about twenty available men. At the beginning of the fight, there were some thirty odd in my camp, Surveyor John D. Pennylaker, with a few men, having come into my camp the night before. He now resides in Rockingham county, Virginia, and is the Senator elect from that district. Mr. Pennylaker has recently published statements confirmatory of mine, as regards Brown's treachery.

W. H. Brown, a young gentleman of Alexandria, Virginia, wrote a letter from Plattsburg, Mo., June 20th, 1856, to the *Alexandria Gazette*, in which after denying that I surrendered, he says: "I was one under Capt. Pate's command, who is as brave an officer as ever unsheathed



a sword—as were all of his officers—and are men not educated to surrender to equal numbers.” Col. Joseph C. Anderson, of Lexington, Missouri, furnished an account to the *Lexington Express*, in which he says :

“Capt. Pate and his small posse, who had been called out by the Deputy Marshal, were overwhelmed by a superior force of outlaws, under the lead of Brown.”

The Hon. John T. Hughes, of Indiana, Col. E. C. McCarty, of Missouri, and W. H. Russell, Esq., of Kansas, whose names are too well known in the west to need an endorsement, made a public statement of affairs in Kansas, dated June 11th, 1856, at Leavenworth City. It was printed in the *Missouri Republican*, and other papers of that State. They say :

“On Saturday the 24th day of May, a party of them (abolitionists) in Franklin county, murdered a Mr. Wilkinson, old Mr. Doyle, and two of his sons, and two of the Shermans,\* all in the same neighborhood. These murders were committed in the most shocking and most barbarous manner, and it is said that some of them were dreadfully mutilated before they were killed, by cutting off their hands, noses, and the like. Thus it is that men have been dragged from their beds at the dead hour of night, and their throats cut amidst the cries and entreaties of their wives and children, and that without mercy.

“On the 2d day of June, Capt. H. C. Pate, and twenty-eight men, were out in the neighborhood of Black-Jack Point, near the Santa Fe road, forty miles from Westport, for the purpose of executing certain writs upon those who had violated the laws, and was attacked by a guerilla party of abolitionists, commanded by one Brown, numbering one hundred and twenty-five men. After a sharp conflict, in which Capt. Pate had some of his men severely wounded, (and as it is believed two of them mortally wounded,) he hoisted a flag of truce. Capt. Pate sent one man and a prisoner, whom he had with him, to carry the flag of truce to the Captain of the assailants. They were sent back with the demand that Capt. Pate should bear the flag himself. He did so, and when he came up under a flag of truce, Brown ordered twelve of his men to seize him and hold him as a prisoner of war. They

\* It was thought for some weeks that Henry Sherman was killed also. He was not murdered then, but the same crowd killed him the next year. The murder of “Dutch Henry” was atrocious. The outlaws said they would “have” him, and they “got” him at last.

then held a cocked pistol to Capt. Pate's breast and told him if he did not order his men to surrender, they would blow him through !"

I might go on, almost *ad infinitum*, with evidences substantiating all I have ever said in my defence, connected with the battle of Black-Jack, but I will stop here. My enemies, of whom I have more than my share, have endeavored to injure me by insisting on false accounts, which they know to be utterly worthless. Fortunately, I have been vindicated by the very man through whom they have endeavored to ruin me. Even their own statements are so contradictory, that they prove themselves false. One declares that I was taken with six men, without my firing a gun, another that Brown took me with nine men, and another with ten, another with thirteen, another sixteen, and so on.

The worst that can be said of me, is that I made a mistake at Black-Jack, in trusting myself to the protection of a flag of truce, which I certainly would not have done, had I known that Old Brown was dealing with me. I am consoled when remembering that Gen. Washington was defeated in his first battle. That did not keep him from becoming a great General ; it rather aided him in that same, for the school of experience is the best at last. And now I promise my friends, should I ever have another chance, that such a mistake will not be made by me again.

I did not surrender at Black-Jack, and I never intend to, if I can help it.

I should mention before concluding this chapter, that another object of mine, in desiring to meet Brown, or the commander of the enemy, whoever he might be, was to apologize for any outrages of my men, thereby placing myself in the right, before the matter should go farther. It was the first time American citizens, of different States, professing different politics, had met in battle array, (for I did not dream I was fighting Brown,) and I considered that there was a responsibility resting upon me which I, as a true patriot, could not disregard. I intended to put myself right, and then go ahead, regardless of consequences. This was not mentioned in my first account, for reasons I can explain satisfactorily, whenever it becomes needful. There is another consolation for me, if I showed the "white feather" at Black-Jack, namely :

"He who fights and runs away shall live to fight another day?"

## VIII.

## A FEW PUFFS.

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"I do not believe there is anything in Virginia but a puff." — WENDELL PHILLIPS.

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## NOTES.

The articles herewith published, entitled "John Brown and Company," were originally printed, as they were written, in the *Norfolk Argus*. It is my intention, if nothing interferes, to continue them in another work, because the subject is by no means exhausted. I have matter enough for an interesting volume about Kansas and the Harper's Ferry affair, and may issue one this Winter. However, as there is "nothing in Virginia but a mere puff," my resolution may blow away, and with it all my notes and worthy intentions. Hence, it is best for my readers to expect nothing, and then they will, in all probability, not be disagreeably disappointed.

I first met John E. Cook in Brown's camp, on Middle Ottawa Creek, in Kansas, when I was a prisoner. He appeared pleased to meet me, for the reason, as he stated—I give his words—that I was "the only gentleman he came up with at the (so-called) siege of Lawrence." On visiting him at Charlestown he seemed glad to see me, and took apparent pleasure in stating to those around, that he had admired my conduct for its moderation, and my apparent desire to do right. In Brown's camp Cook proposed that if either of us should meet afterwards in battle, each should spare the other, if an occasion presented itself, a proposition which I considered well meant, and accepted. He was afterwards at my house in Westport, Missouri, when I treated him kindly. He then had a great liking for ladies' company, and requested me to intro-

duce him ; but I did not do it, not having the time and opportunity. I was inclined to like him, while at the same time there was something about the fellow that repelled confidence, and fitted him for the calling of a spy. He was possibly acting in that capacity when he came to see me in Missouri.

During my visit to the prison in Charlestown, Brown explained why my Bowie knife, which has been mentioned as taken and hid by Fred Brown, was not returned to me. He said that one of his party, whose name, for the sake of his cause, he would not mention, saw Fred Brown hide it, and then stole it, afterwards, trading it off. Captain Brown said that he subsequently traced the knife through several parties, and finally got it. He since gave it to a gentleman in Massachusetts as a token of respect and friendship. The name of this person he would not give.

I have thought Capt. Brown gave this knife to Dr. Howe ; and that the fellow who stole it in Kansas from his son, Fred, was the thief referred to by Col. Forbes, who says he was re-employed by Brown out of "admiration for a desperate feat" of roguery in Missouri.

He said he would have returned the knife if he had ever *seen* me, and always desired to explain why it was kept back. I told him I would like to own my knife once more, and would purchase it, if he would let me know who had it—but he seemed afraid to do so, possibly thinking his friend in Massachusetts would be compromised, were he to furnish his name. If Brown's friend will send my weapon to me, I shall be obliged to him.

I first visited Brown in jail on the evening of the 21st November. The next morning I was told by Capt. Avis that he desired to see me. When I went in, the old fellow was taking his frugal breakfast of coffee and bread, or broth and bread—I did not define which it was. I told him not to let me disturb his meal. He handed me a paper, and asked me to read aloud an article which he pointed out. The paper was the *Charlestown Democrat*, and the article, that from the *Kansas Herald of Freedom*, about the Pottowatomic massacre, from which I have quoted, and which has been so extensively printed and read in the United States. While I read, Brown addressed himself attentively to his bowl of breakfast. Dr. Straith and his son, Jas. E. Nash and Capt. Avis were present. When the piece was read, he asked me to give my opinion as to whether the *Herald of Freedom* was the leading Free State paper of the Territory. I told him it was so at one time, and accredited as such ;

but that later, there had been a split in the party, and the radical Republicans repudiated it. He then asked me if its statements could be relied on. I replied that they could not, when Southern men and things were concerned; that it was like the *New York Tribune*; but was moderate and truthful in many matters connected with territorial affairs. I was then asked by Capt. Brown, my opinion as to whether he committed the murders on Pottawatomie Creek. My answer was that I had always thought so, because I had seen and heard the sworn statements of Mrs. Doyle confirmed by her son, and Mrs. Wilkinson, who said under oath that he killed their husbands, and nothing had ever shaken my belief in their evidence. To this he made no reply, only murmuring something about the murdered men being peaceable citizens; but he did not deny that he killed them.

#### PUFFS ABOUT REDPATH.

The first invention sent by Kansas correspondents, as a justification of the massacre, to the Northern Republican papers, was that they were killed thus: A party of free-soilers suddenly came on a party of pro-slavery men who were hanging an abolitionist. The free-soilers, just five also, each selected a pro-slavery fellow, fired, and the work was done. No names nor dates were given. This was rather a lame defence, and a new story was started. That was that the murdered men had threatened Brown's life, and had in fact warned him to leave or pay the penalty. "The next thing *they* knew, they knew nothing." No names nor dates to this invention. Such are the absurd defences of these sympathizers of his, who would shield Brown from the responsibility and odium of his terrible crimes. The manufacturer of one of these stories at least, and that the most absurd, is James Redpath, the writer who gets up a much better article on fiction than on fact. He is the author of the following:

"I never chanced to meet old Brown for many months after the capture of Clay Pate at Black-Jack.

"I ought, however, to mention how the letters that I sent by 'Old Moore, the minister,' fared. I gave him three letters—the first a little note to a southern lady; the second, my 'Confessions of a Horse Thief'; the third, a description of the condition of the country, in which was an account of the sacking of Palmyra, by H. Clay Pate and his men.

"I told 'Old Moore, the minister,' if he were pursued, to destroy the large letters, which were designed for publication; but to preserve the other—the note—as there was nothing in it that could implicate him.

"He had not gone many miles before he was seen, and pursued by Clay Pate's scouts. In his excitement he forgot my directions—preserved the 'incendiary documents' and destroyed the harmless *billet doux*. He was captured and brought to the camp. Pate ordered the letters to be opened, as soon as he learned they were mine—for we were rival correspondents for rival journals—and appointed Coleman, whom I had denounced as a murderer, to read my productions to his men !

"First, came my 'Confessions of a Horse Thief.' Captain Wood, the United States officer who arrested me, was spared the ridicule, I had endeavored to throw on him, for Pate threw the letter into the fire.

"Next came my description of the sacking of Palmyra and the Saxon names for Pate and his company. Old Moore declared afterward that he felt uneasy for his safety when he saw the rage which my letters aroused. It was universally admitted that I ought to be hanged, and they swore they would do it, too—when the cat was belled. As Mr. Moore was a quiet, unoffensive old man, and as he knew nothing of the contents of my letters till they were read in the pro-slavery camp, they permitted him to proceed on his journey to Kansas City.

The next news of Pate was an account of his failure to capture Old Brown, although he had thirty men, and of Brown's success in capturing Pate, although the Old Captain had only ten men."

*Lie No. 1.*—I never "sacked Palmyra."

*Lie No. 2.*—"Old Moore" was not captured by my men, but was taken by Pennybaker's party.

*Lie No. 3.*—I never saw those letters, and therefore did not "order them to be opened," nor did I "appoint Coleman to read them."

*Lie No. 4.*—I did not throw "the letter in the fire," for I did not have it to throw there.

*Lie No. 5.*—"Old Moore" was not "permitted to go on his journey," for he was a prisoner when I was taken. Pennybaker was conveying him to Leecompton.

*Lie No. 6.*—Brown did not take me with "only ten men."

If there were such letters as those described by Redpath, they were taken and opened by Pennylacker, or some one else, not by me.

These are only a few points going to show the truthfulness of this romance. And Redpath is as great a coward as liar. If he were as good a fighter with the sword as he is with the pen, he would be a warrior more celebrated than Napoleon, and a conqueror, equal, if not superior, to Alexander the Great. He will insult you with the pen, and

then refuse you satisfaction with the sword. Set it down : *a coward is always a liar, and a liar is always a coward.*

## OLD BROWN'S VERACITY.

Before I left the prison, Capt. Brown referred me to the report of his speech at Cleveland, in the *Plain Dealer*. He said in that he had done me full justice, giving me all the credit for bravery he was willing to grant I deserved then. He had cut out the report, which was a full one, and he said it was among his captured papers on the Kennedy farm, and hoped I might find and use it. He was willing before he died, to do what he could to vindicate me from unjust aspersions and ungenerous insinuations. I left him impressed with a favorable opinion of his truthfulness. It was not long, however, before that opinion was dispelled. He denied to me in prison, that he had ever said he took me at Black-Jack with six, nine, or ten men. At Harper's Ferry, I met a gentleman of the highest respectability, who declared that Brown told him, only the day before, I think, that he defeated me with nine men—he would make oath to it. I confess I was disappointed; but I ought to have known that such inconsistent conduct was in keeping with Brown's entire life and deportment. I did know, but temporarily forgot it, out of charity for poor, fallen human nature. God forgive him I could puff away until Christmas, if I chose, but let this end my puffing for the present.

## IX.

## APPENDIX

## JOHN BROWN'S IDEA OF GOVERNMENT.

AMONG the papers in possession of Brown and his party, was the draft of a basis of government, which evidently embraced the fundamental ideas which animated the leader and his men. The main features of this paper appear in the following synopsis ;

*Provisional Constitution and Ordinances for the People of the United States.*

PREAMBLE.—Whereas, Slavery, throughout its entire existence in the United States, is none other than the most barbarous, unprovoked and unjustifiable war of one portion of its citizens against another portion, the only conditions of which are perpetual imprisonment, and hopeless servitude, or absolute extermination in utter disregard and violation of those eternal and self-evident truths set forth in our Declaration of Independence :

Therefore, We, the citizens of the United States, and the oppressed people, who, by a recent decision of the Supreme Court, are declared to have no rights which the white man is bound to respect, together with all the other people degraded by the laws thereof, do, for the time being, ordain and establish for ourselves the following Provisional Constitution and Ordinances, the better to protect our people, property, lives, and liberties, and to govern our actions ;

*Qualifications of Membership.*

Article 1.—All persons of mature age, whether proscribed, oppressed, and enslaved citizens, or of proscribed and oppressed races of the United States, who shall agree to sustain and enforce the Provisional Constitution and ordinances of organization, together with all minor children of such persons, shall be held to be fully entitled to protection under the same.

*Branches of Government.*

Art. 2.—The Provisional Government of this organization shall consist of three branches, viz. : the Legislative, the Executive, and Judicial.



*The Legislature.*

Art. 3.—The Legislative Branch shall be a Congress, or House of Representatives, composed of not less than five, nor more than ten members, who shall be elected by all the citizens of mature age and sound mind, connected with this organization, and who shall remain in office for three years, unless sooner removed for misconduct, inability, or death. A majority of such members shall constitute a quorum.

*Executive.*

Art. 4.—The Executive Branch of the organization shall consist of a President and Vice President, who shall be chosen by the citizens, or members of this organization, and each of whom shall hold office for three years, unless sooner removed by death, or for inability, or for misconduct.

*Judicial.*

Art. 5.—The Judicial Branch consists of one Chief Justice of the Supreme Court, and four Associate Judges of the said Court, each of them constituting a Circuit Court. They shall each be chosen in the same manner as the President, and shall continue in office until their places have been filled in the same manner by an election of citizens.

Articles 13 to 25 provide for the trial of the President and other officers, and Members of Congress, the impeachment of Judges, the duties of the President and Vice President, the punishment of crimes, Army appointments, salaries, etc., etc. These articles are not of special interest and are therefore omitted.

*Treaties of Peace.*

Art. 24.—Before any treaty of peace shall take full effect it shall be signed by the President, Vice President, Commander-in-Chief, and a majority of the House of Representatives, a majority of the Supreme Court, and a majority of the general officers of the Army.

*Duty of the Military.*

Art. 27.—It shall be the duty of the Commander-in-Chief, and all the officers and soldiers of the army, to afford special protection, when needed, to Congress, or any member thereof, to the Supreme Court, or any member thereof, to the President, Vice-President, Treasurer, and Secretary of War, and to afford general protection to all civil officers, or other persons having a right to the same.

*Property.*

Article 28.—All captured or confiscated property, and all the property the product of the labor of those belonging to this organization, and of their families, shall be held as the property of the whole equally, without distinction, and may be used for the common benefit, or disposed of for the same object. And any person, officer or otherwise, who shall improperly retain, secrete, use, or needlessly destroy such property, or property found, captured, or confiscated, belonging to the enemy, or shall willfully neglect to render a full and fair statement of such property by him so taken, or held, shall be guilty of a misdemeanor, and on conviction shall be punished accordingly.

Art. 29. *Safety or Intelligence Fund.*

All money, plate, watches, or jewelry captured by honorable warfare, found, taken, or confiscated, belonging to the enemy, shall be held sacred to constitute a liberal safety or intelligence fund, and any person who shall improperly retain, dispose of, hide, use, or destroy such money or other articles above named, contrary to the provision and spirit of this article, shall be deemed guilty of theft, and on conviction thereof, shall be punished accordingly. The Treasurer shall furnish the Commander-in-Chief at all times with a full statement of the condition of such fund, and its nature.

Art. 30. *The Commander-in-Chief and the Treasury.*

The Commander-in-Chief shall have power to draw from the Treasury the money and other property of the fund provided for in Article 29; but his orders shall be signed also by the Secretary of War, who shall keep a strict account of the same, subject to examination by any member of Congress or General officer.

Art. 31. *Surplus of the Safety or Intelligence Fund.*

It shall be the duty of the Commander-in-Chief to advise the President of any surplus of the Safety or Intelligence Fund, and he shall have power to draw the same, his order being also signed by the Secretary of State, to enable him to carry on the provisions of Article 17.

Art. 32. *Prisoners.*

No person, after having surrendered himself a prisoner, and who shall properly demean himself or herself as such, to any officer or private connected with this organization, shall afterward be put to death, or be subjected to any corporeal punishment, without having first had the benefit of a fair and impartial trial; nor shall any prisoner be treated with any kind of cruelty, disrespect, insult or needless severity, but it shall be the duty of all persons, male and female, connected herewith, at all times, and under all circumstances, to treat all such prisoners with every degree of respect and kindness that the nature of the circumstances will admit of, and insist on a like course of conduct from all others as in fear of the Almighty God, to whose care and keeping we commit our cause.

Art. 33. *Volunteers.*

All persons who may come forward and shall voluntarily deliver up slaves, and have their names registered on the books of this organization, shall, so long as they continue at peace, be entitled to the fullest protection in person and property, though not connected with this organization, and shall be treated as friends, and not merely as persons neutral.

Art. 34. *Neutrals.*

The persons and property of all non-slaveholders who shall remain absolutely neutral, shall be respected so far as circumstances can allow of it, but they shall not be entitled to any active protection.

Art. 35. *No Needless Waste.*

The needless waste or destruction of any useful property or article by fire, throwing open of fences, fields, buildings, or needless killing of ani-

mals, or injury of either, shall not be tolerated at any time or place, but shall be promptly and peremptorily punished.

Art. 36. *Property Confiscated.*

The entire personal and real property of all persons known to be acting either directly or indirectly with or for the enemy, or found in arms with them, or found willfully holding slaves, shall be confiscated and taken whenever and wherever it may be found, in either Free or Slave States.

Art. 37. *Desertion.*

Persons convicted on impartial trials of desertion to the enemy, after becoming members, acting as spies, of treacherous surrender of property, arms, ammunition, provisions or supplies of any kind, roads, bridges, persons, or fortifications, shall be put to death, and their entire property confiscated.

Art. 38. *Violation of Parole of Honor.*

Persons proved to be guilty of taking up arms after having been set at liberty on parole of honor, or after the same to have taken any active part with or for the enemy, direct or indirect, shall be put to death, and their entire property confiscated.

Articles 39, 40, and 41, require all to labor for the general good, and prohibit immoral actions.

Art. 42. *The Marriage Relation—Schools—The Sabbath.*

Marriage relations shall be at all times respected, and families shall be kept together as far as possible, and broken families encouraged to reunite, and intelligence offices shall be established for that purpose. Schools and churches shall be established as may be, for the purpose of religious and other instruction, and the first day of the week shall be regarded as a day of rest and appropriated to moral and religious instruction and improvement to the relief of the suffering, the instruction of the young and ignorant, and the encouragement of personal cleanliness, nor shall any person on that day be required to perform ordinary manual labor, unless in extremely urgent cases.

Art. 43. *To Carry Arms Openly.*

All persons known to be of good character, and of sound mind, and suitable age, who are connected with this organization, whether male or female, shall be encouraged to carry arms openly.

Art. 44. *No Person to Carry Concealed Weapons.*

No person within the limits of conquered territory, except regularly appointed policemen, express officers of army, mail carriers, or other fully accredited messengers of Congress, the President, Vice-President, members of the Supreme Court, or commissioned officers of the Army, and those under peculiar circumstances, shall be allowed at any time to carry concealed weapons; and any person not specially authorized so to do who shall be found so doing, shall be deemed a suspicious person, and may at once be arrested by any officer, soldier, or citizen, without the formality of a complaint or warrant; and may at once be subjected to thorough search, and shall have his or her case thoroughly investigated, and be dealt with as circumstances on proof shall require.

## Art. 45.

*Persons to be Seized.*

Persons living within the limits of territory holden by this organization, and not connected with this organization, having arms at all, concealed or otherwise, shall be seized at once, or be taken in charge of by some vigilant officer, and their case thoroughly investigated; and it shall be the duty of all citizens and soldiers, as well as officers, to arrest such parties as are named in this and the preceding section or article, without formality of complaint or warrant; and they shall be placed in charge of some proper officer for examination, or for safe keeping.

Art. 46. *These Articles not for the Overthrow of Government.*

The foregoing articles shall not be construed so as in any way to encourage the overthrow of any State Government or of the General Government of the United States, and look to no dissolution of the Union, but simply to amendment and repeal, and our flag shall be the same that our fathers fought under in the Revolution.

## Art. 47.

*No Plurality of Offices.*

No two offices specially provided for by this instrument shall be filled by the same person, at the same time.

## Art. 48.

*Oath.*

Every officer, civil or military, connected with this organization, shall, before entering upon the duties of office, make a solemn oath or affirmation to abide by and support the Provisional Constitution and these ordinances. Also, every citizen and soldier, before being recognised as such, shall do the same.

*Schedule.*

The President of this Convention shall convene, immediately on the adoption of this instrument, a Convention of all such persons as shall have given their adherence, by signature to the Constitution, who shall proceed to fill by election all offices specially named in said Constitution—the President of this Convention presiding and issuing commissions to such officers elect. All such officers being hereafter elected in the manner provided in the body of this instrument.

## THE KANSAS COMMISSION.

[From the *Washington Union*.]

On Friday the minority report of Mr. Oliver will be presented to the House. It is frequently asked "Why the committee did not agree? Is not Mr. Oliver's secession a captious movement?" The answer is, that it was not captious, and that Mr. Oliver was compelled to secede from the committee, so far as to make a minority report. The appointment of one Southern man could have resulted in no good, except

he were permitted to make a report differing from that agreed on by the majority. From the beginning, the majority of the committee acted without reference to the minority; they treated him as a cipher. If they made an agreement, it was either not noticed, or directly violated. Thus, it was agreed that they should first meet at Leavenworth city; to that place Mr. Oliver went, but Messrs. Howard and Sherman stopped at Kansas city, and instead of going to Leavenworth, as agreed upon, they repaired to Lawrence. Mr. Oliver had to learn of the movements of the majority as best he could, and follow them up from place to place. There should have been no session held in Lawrence, and the fact that there was one held there is proof enough that no regard was paid to the feelings of the minority, Gen. Whitfield and his friend. It was notorious that no one friendly to the pro-slavery party could be free from insult or disturbance of some kind in Lawrence.

Again: the majority of the committee agreed to adopt Greenleaf on Evidence as a guide in taking testimony, yet when the rules of Greenleaf did not suit their side of the question they violated the agreement by eschewing the rules there laid down. General Whitfield's counsel endeavored, by applying those rules, to reject hearsay testimony as to the voting done by residents of Missouri; the majority overruled the counsel, and disregarded their own bargain.

The prominent reasons why Mr. Oliver could not unite with the majority in their report are these: First, the majority excluded from their report everything but what was prejudicial to the pro-slavery or law-and-order party, and favorable to the abolition or rebel party. The testimony, which was only hearsay, shows that some Missourians voted, but that in the majority of districts the *bona fide* pro-slavery settlers had an actual majority. This being the fact—which the majority perversely overlooked, or purposely disregarded—the legislature which passed the law under which J. W. Whitfield was elected was a valid body, and Gen. Whitfield is the legal representative of Kansas in the House. The majority reported that the legislature was an invalid body, and that Whitfield is not, therefore, a lawful representative—conclusions which the facts did not warrant the majority in coming to, and which it would not be expected that Mr. Oliver would concur in.

During the investigation, testimony in relation to the tarring and feathering of Pardee Butler, and other violence alleged to have been committed by the pro-slavery party, was admitted to record by the majority; these things having occurred after the committee were appointed. Afterwards, when General Whitfield tried to introduce testimony as to outrages on the part of the free-State party, unfavorable to them, the majority refused to admit it, on the ground, as they say in their report, that it was not "*within their power or duty to take testimony as to events which transpired after the date of their appointment.*" They had, however, taken testimony as to events which had transpired after their appointment, and this sudden conclusion was about to involve them into an inextricable dilemma. "How are we to get out of this dilemma, and make a show of consistency?" was the question they put to

themselves. It was answered, "By expunging the testimony as to Pardee Butler and other outrages." They reasoned in this sort of way: "Pardee Butler's case is a great outrage, but then the Pottawatomie Creek murders are much greater. If we let Butler's testimony stand, we shall have to admit testimony about those murders done by our party, and we shall get the worst of it."

Mr. Oliver will submit, along with his report, evidence of the massacre of five pro-slavery people on Pottawatomie creek, namely: Allen Wilkinson, Wm. Sherman, W. P. Doyle and two sons, whose lives were taken by abolitionists merely because they entertained pro-slavery sentiments, and acted with the pro-slavery party—murders committed under circumstances of cruelty, a parallel to which can only be found in the annals of uncivilized savages.

*Secondly.* The committee were reckless in their statements. One instance of their recklessness is in the declaration that Captain Pate's party, who were attacked and overpowered by the very men who were engaged in the Pottawatomie Creek murders, consisted "chiefly of citizens of Missouri." Since the report of the majority was submitted to the House, Mr. Oliver caused evidence to be taken before the committee which proves that *there was not one single bona fide citizen of Missouri in that party.*

It is not reasonable to expect Mr. Oliver to agree to a report which disregarded facts showing the contrary of what it contained, and presented to the House and to the public matters for the truth of which there is not a shadow of authority.

The committee referred to the fact that Gen. Whitfield went to the Territory, as it is said, "with an invading army." I beg to say a word or two as to this. Many of the party who were taken prisoners had warm friends in Missouri, and some of them relatives. They heard that the party were in the power of murderers and cut-throats, and the common instincts of human nature prompted them to go to the rescue of their friends and relatives. They did not know but that one hour of delay would make it too late, and they hurried to the rescue. Gen. Whitfield went along. Had it been necessary to fight in order to release the imprisoned party, no doubt Gen. Whitfield would have been in the fight; but I believe that he accompanied the Missourians no less to caution to moderation and prevent violence than to relieve the imprisoned. Alleged acts of violence are charged upon Gen. Whitefield. If any were committed—and none were, so far as I know—they are no more attributable to him than to President Pierce, Mr. Speaker Banks, or the man in the moon. As soon as the party were released, General W. returned to Westport, and was in attendance on the congressional committee when the acts of violence charged upon him are said to have been done. Under the circumstances, humanity, the instincts of friendship, and the desire to prevent a terrible calamity, led Gen. Whitfield into Kansas. If I know him, under like circumstances the same attributes of his generous nature would lead him there again, no matter if it cost him the value of three-score seats in Congress.

WASHINGTON, July 9, 1856.













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